

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD L. JONES,

Plaintiff,

v.

Case No. 20-CV-308

YELENA NELSON,

Defendant.

NOTICE AND ORDER

Plaintiff Richard Jones, who is representing himself, filed a complaint under 42 U.S.C. § 1983. On October 1, 2020, defendant Yelena Nelson filed a motion for summary judgment on the ground that Jones failed to exhaust the available administrative remedies before he filed his complaint. (ECF No. 30.) Under Civil L. R. 56(b)(2), Jones' response materials are due within thirty days of service of the motion, or by **Monday, November 2, 2020**. In responding to Nelson's motion for summary judgment, Jones must respond to each of her proposed findings of fact by agreeing with each proposed fact or explaining why he disagrees with a particular proposed fact. If he does not indicate one way or the other, the court will assume that he agrees with the proposed fact. Jones must support every disagreement with a proposed fact by citing to evidence. He can do that by relying on documents that he attaches to his response or by telling the court his version of what happened in an

affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. Jones must also respond to the legal arguments in Nelson's brief.

The court reminds Jones that, under Civil L. R. 7(d), a party's failure to respond to a motion is sufficient cause for the court to grant the motion. If Jones believes he needs additional time to prepare his response materials, he must file a motion asking the court to extend the deadline *before* his response materials are due. If he files such a motion, he must explain why he needs additional time and how much additional time he needs.

IT IS THEREFORE ORDERED that, if by **November 2, 2020**, Jones does not respond to Nelson's summary judgment motion or does not request additional time to do so, the court will grant the motion and dismiss this case.

Dated at Milwaukee, Wisconsin this 2nd day of October, 2020.

s/Nancy Joseph
NANCY JOSEPH
U.S. Magistrate Judge

¹ At the bottom of his declaration he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. § 1746(2).